



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

MUNEHISA FUJITA ET AL

Appln. No. 08/915,683

Group Art Unit: 1752

Filed: AUGUST 21, 1997

Examiner: M. HUFF

For: DIRECT POSITIVE PHOTOGRAPHIC SILVER HALIDE EMULSION AND COLOR
PHOTOGRAPHIC LIGHT-SENSITIVE MATERIAL COMPRISING SAME

REQUEST FOR RECONSIDERATION

Assistant Commissioner of Patents
Washington, D.C. 20231

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Sir:

This is a request that the prior art rejection be reconsidered.

Claims 1 and 5-9 are before the Examiner for consideration.

In the pending Advisory Action, the Examiner maintains the prior art rejection, stating that

- (1) the secondary references (Tanemura and Shuto '719) teach the use of the claimed compounds in tabular grains, and
- (2) the primary reference (Evans) teaches the preferential use of silver bromide cores.

Nevertheless, Applicants continue to believe that their claimed invention is patentable over the cited references. Although Tanemura and Shuto '719 show that benefits are obtained by using a compound according to Applicants' formulas (A), (B) or (C), one skilled in the art would not be motivated to use one of Applicants' compounds in the chemical sensitization of the grain cores of Evans.

The Examiner's attention is directed to the recitation in

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Applicants' claims that "substantially no thiosulfate ion is present during the chemical sensitization." On the other hand, both Tanemura (column 16, line 56) and Shuto '719 (column 18, lines 37 and 48, column 24, line 25) disclose the use of sodium thiosulfate. Applicants advise that in use, sodium thiosulfate forms thiosulfate ion.

If one skilled in the art were motivated (as the Examiner contends) to include a compound according to Applicants' formulas (A), (B) or (C), in the chemical sensitization of the grain cores of Evans, one would also be motivated to include thiosulfate ion. Such inclusion, however, is precluded by Applicants' claims. Accordingly, the Examiner's combination of art would not result in Applicants' claimed invention.

Additionally, Evans discloses the use of sodium thiosulfate pentahydrate (column 69, lines 47 and 65, column 70, lines 19 and 33). Again, since sodium thiosulfate forms thiosulfate ion, Evans also motivates one skilled in the art to include thiosulfate ions, contrary to Applicants' claims. It has been demonstrated in the previous comparative experimentation and the like that thiosulfate ion is preferably absent during chemical sensitization.

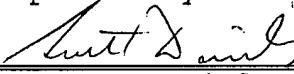
Accordingly, Applicants ask that the prior art rejection be reconsidered and withdrawn.

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Applicants hereby petition for any extension of time which may be required to maintain the pendency of this case, and any required fee for such extension is to be charged to Deposit Account No. 19-4880.

Respectfully submitted,



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